Docket No. QCPA990347   **Serial No. 09/741,631**

REMARKS/ARGUMENTS

Claims 1, 3-8, 10-15, 17-21, and 23-24 are pending in the application and are presented for further reconsideration and allowance.

Discussion of Rejections Under 35 U.S.C. §112

Claims 1, 3-8, 10-15, 17-21, and 23-24 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner contends that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicant respectfully traverses the rejection.

In the Office Action dated October 17, 2005, the Examiner states:

> As the argument provided by the Applicant in the brief of appeal (see page 6), applicant emphasizes that "transmitting the **time difference** between the code phases" is "transmitting time difference" instead of "transmitting code phase difference". However, the specification does not describe "transmitting time difference between the code phases." The specification and figures 6-10 only describe "correlator 220 determines the difference between the code phases, and transmitter 230 transmits this difference (e.g. shown in tasks P130 and P145 of FIGURE 9)....the receiver of this information (i.e. field receiver 110) performs the task of determining the time difference between the code phase." It is very clear that the reference receiver (120) transmits the difference of the code phases of at least one pair among the plurality of received signals instead of time difference. The field receiver (110) determines the time difference between code phases. *Office Action*, dated October 17, 2005, at page 3 (*emphasis in original*).

Applicant contends the Specification does indeed describe transmitting time differences between code phases. Applicant's Specification explicitly states in several places within the specification that time differences are transmitted.

The Abstract states: "The communication system includes a transmitter for transmitting *timing information* from the server to the client to help the client locate a first satellite." *Abstract* (*emphasis added*). Therefore, Applicant's Abstract explicitly states that a transmitter is used to transmit timing information.

The Specification describes methods and apparatus for reducing a code phase search space by determining a code phase time relation for at least two signals. Applicant's Specification states: "In a system, method, and apparatus according to an embodiment of the

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invention, the code phase of a second received signal is localized by using the following items of time information: (1) the code phase of a first received signal and (2) a time relation between the code phases of the two received signals *(for example, a time difference as shown in FIG. 3)." Specification*, at page 3, ll. 18-22 *(emphasis added)*. Applicant's Specification goes on to state: "Information pertaining to *a time relation between the code phases of the received signals is then transmitted* to the receiver 110. *Id.*, at page 4, ll. 5-7 *(emphasis added)*. As discussed above, the Specification explicitly describes "a time difference as shown in FIG. 3" as an example of the time relation between the code phases. Furthermore, FIG. 3 explicitly labels the portion between the two code phase markings as the "time difference between code phases." FIG. 4 and FIG. 5 also explicitly label differences between code phases as time differences.

Applicant believes that the Examiner has misinterpreted the portions of the Specification cited in the Office Action dated October 17, 2005. As described in Applicant's Specification: "Correlator 220 determines the code phases of the received signals and outputs information relating to a difference among those code phases to transmitter 230." *Id.*, at page 7, ll. 15-17. "In one example, correlator 220 determines the difference between the code phases, and transmitter 230 transmits this difference." *Id.*, at ll. 19-21. As described above, the Specification describes "a time difference as shown in FIG. 3" as an example of the time relation between the code phases. Additionally, FIG.s 3, 4, and 5 explicitly label the difference between code phases as a *time difference.*

The Examiner argues that the term "difference" relates to a difference of code phases. However, based on a reading of the entire Specification, it is clear that the difference referred to is the time difference between the code phases.

Indeed, the Specification goes on to describe an alternative embodiment where the transmitter transmits information relating to the code phases. ("In the alternative example of FIG. 10, transmitter 230 transmits information relating to the code phases of the received signals...") *See, Id.*, at ll. 22-23.

Applicant believes that it is incorrect to interpret the difference of the embodiment described in at page 7, ll. 18-21 as a code phase difference because such an interpretation would render redundant the alternative embodiment described in the very next sentence (page 7, ll. 22-23). Applicant contends that it is erroneous to interpret the initial

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embodiment and alternative embodiment in such a manner as to make both embodiments identical.

The Examiner mischaracterizes the portion of the Specification describing a receiver embodiment. The description of the receiver cited by the Examiner relates to the alternative embodiment. Indeed, the description of the receiver cited by the Examiner is a fragment of the sentence describing the alternative embodiment. In its entirety, the sentence reads: "In the alternative example of FIG. 10, transmitter 230 transmits information relating to the code phases of the received signals (task P142), and the receiver of this information (e.g. field receiver 110) performs the task of determining the time difference between the code phases." *Id.*, at page 7, ll. 22-25. Therefore, the receiver description cited by the Examiner relates to the alternative embodiment that explicitly describes transmitting information relating to the code phases of the received signals. There is nothing in the Specification to even hint that this receiver embodiment relates to any other embodiment described in the Specification.

Applicant's Specification additionally includes a description of a client-server architecture. In relation to the client-server embodiment, the Specification states: "Additionally, the server may send the timing of the satellites (e.g. one or more time differences between code phases) to the client." *Id.*, at page 9, ll. 5-6. Thus, the Specification includes an additional embodiment in which the time difference between code phases is transmitted.

The claims as filed in the original specification are part of the disclosure. Applicant's original claims include the feature of "transmitting information pertaining to a time relation between the code phases" found in original claim 1. Original claim 2 further characterized the information that is transmitted. Original claim 2 states that "the information comprises a time difference between the code phases." Thus, the very feature that the Examiner contends is not described in the Specification appears verbatim in the original claims.

Applicant has shown that the feature of transmitting a time difference between the code phases is described in numerous places in the Specification, as filed. Because the Examiner rejects the claims based solely on a perceived lack of description, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

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Applicant contends that no undue experimentation is required to make or use the claimed invention. The Examiner does not object to the characterization of the transmitted information as code phase information, and implies that the Specification fully supports such an interpretation in at least one of the described embodiments. The transmission of time difference information rather than code phase information, does not require any undue experimentation to one skilled in the art. Therefore, Applicant contends that because the Specification, as filed, fully describes and supports the feature of transmitting a time difference between the code phases, the Specification enables the claimed invention. Applicant respectfully requests reconsideration and allowance of claims 1, 3-8, 10-15, 17-21, and 23-24.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-845-8503.

Respectfully submitted,

Dated: February 17, 2006
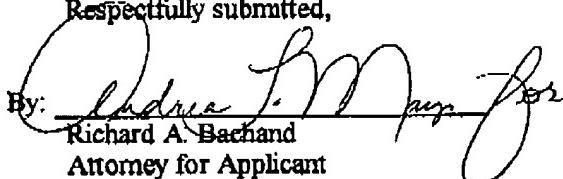
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